

Message Text

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 2410

AMEMBASSY SAN JOSE IMMEDIATE

INFO AMEMBASSY BOGOTA

AMEMBASSY BRAZZAVILLE

AMEMBASSY CANBERRA

AMEMBASSY CARACAS

AMCONSUL CURACAO

AMEMBASSY DAKAR

USDAO GUATEMALA

AMCONSUL GUAYAQUIL

AMCONSUL HAMILTON

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E.O. 12065: N/A

TAGS: EFIS, IATTC, MX, CR

SUBJECT: TUNA CONSULTATIONS MEXICO CITY DECEMBER 12-13,
1979.

REF: STATE 219006

1. SUMMARY. REPRESENTATIVES OF MEXICO, COSTA RICA, AND THE UNITED STATES MET IN MEXICO CITY DECEMBER 12-13 IN ANOTHER EFFORT TO REACH AGREEMENT ON A NEW REGIME TO GOVERN FISHING FOR TUNA IN THE EASTERN PACIFIC OCEAN. THE U.S. DELEGATION TABLED A NEW PROPOSAL WHICH ATTEMPTED TO RESOLVE SEVERAL OF THE REMAINING ISSUES. MEXICO AND COSTA RICA, AFTER AN INITIAL UNOFFICIAL NEGATIVE REACTION TO THE U.S. PROPOSAL, PROMISED TO STUDY THE U.S. PAPER AND PROVIDE THE U.S. WITH AN OFFICIAL RESPONSE ASAP. MEXICO AND COSTA RICA BOTH INDICATED THAT THIS QUESTION WOULD PROBABLY BE DECIDED BY THEIR PRESIDENTS. MEXICO AND COSTA RICA DID NOT TABLE A COUNTER PROPOSAL.

2. REFTEL REPORTS ON MOST RECENT MEETING ON THIS SUBJECT, HELD IN SAN DIEGO OCTOBER 30-31. THAT MEETING FOCUSED ON THE POSSIBILITY OF AN INTERIM AGREEMENT VALID FOR THREE YEARS ONLY. AT THE CONCLUSION OF THE SAN DIEGO MEETING DIFFERENCES REMAINED ON ESSENTIALLY FOUR ISSUES: WHETHER OR NOT THE ALLOCATIONS FOR MEXICO AND COSTA RICA SHOULD BE FIXED OR SHOULD FLUCTUATE IN PROPORTION TO THE FLUCTUATION OF THE OVERALL QUOTA; WHICH U.S. BOATS SHOULD BE ELIGIBLE TO FISH UNDER A 6000 TON CLOSED SEASON ALLOCATION FOR DISADVANTAGED U.S. VESSELS; HOW TO HANDLE THE "LAST OPEN TRIP"; AND HOW TO HANDLE THE DISTRIBUTION OF LICENSE FEES UNDER AN INTERIM AGREEMENT.

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3. AT THE OUTSET OF THE MEXICO CITY MEETING, THE U.S. DELEGATION OUTLINED A NEW PROPOSAL WHICH ADDRESSED THE ESSENTIAL ELEMENTS OF THE THREE YEAR AGREEMENT AS DISCUSSED IN SAN DIEGO. THE PROPOSAL DID NOT REPRESENT A CHANGE IN THE U.S. POSITION WITH RESPECT TO THE LAST TRIP OR THE U.S. VIEW THAT THE MEXICAN AND COSTA RICAN ALLOCATIONS MUST FLUCTUATE IN PROPORTION TO THE FLUCTUATION OF THE OVERALL QUOTA, WHICH IN TURN DEPENDS UPON THE CONSERVATION RECOMMENDATIONS OF THE IATTC SCIENTIFIC STAFF. ON THE QUESTION OF THE DISTRIBUTION OF THE LICENSE FEES, THE U.S. MODIFIED ITS PROPOSAL THAT THE LICENSE RECEIPTS SHOULD NOT BE DISTRIBUTED UNTIL AT LEAST 5 COUNTRIES JOINED THE PROPOSED NEW LICENSING CONVENTION, IN AN ATTEMPT TO MEET GOM AND GOCR CONCERNS ON THIS MATTER. ON THE QUESTION OF THE U.S. CLOSED SEASON ALLOCATION, THE U.S. AGREED TO PROVIDE MEXICO AND COSTA RICA WITH A LIST OF ELIGIBLE BOATS AND AGREED THAT NO ADDITIONAL VESSELS WOULD BE PLACED ON THE LIST DURING THE THREE YEARS INTERIM PERIOD. THE U.S. PROPOSAL ALSO CLARIFIED AN ISSUE RAISED BY THE GOM SUBSEQUENT TO THE SAN DIEGO MEETING - WHETHER THE ALLOCATIONS WERE A MINIMUM OR A MAXIMUM. NEW U.S.

LANGUAGE WAS DESIGNED TO SATISFY MEXICO'S CONCERN ON THIS
POINT. FOLLOWING IN PARAGRAPH 4 IS TEXT OF U.S. PROPOSAL
PRESENTED AT MEXICO CITY MEETING.

4. U.S. PROPOSAL - DECEMBER 13, 1979 - MEXICO CITY.- A.
GUARANTEED ALLOCATIONS. THE UNITED STATES CAN AGREE TO
ANNUAL GUARANTEED ALLOCATIONS FOR MEXICO AND COSTA RICA
OF 35,570 AND 20,565 TONS OF YELLOWFIN TUNA, RESPECTIVELY,
BASED ON AN OVERALL YELLOWFIN QUOTA IN THE CYRA OF 200,000

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TONS. IF THE OVERALL QUOTA IS ABOVE OR BELOW 200,000 TONS, THESE GUARANTEED ALLOCATIONS WOULD BE ADJUSTED PROPORTIONATELY, FOLLOWING CONSULTATION WITH MEXICO AND COSTA RICA. VESSELS OF MEXICO AND COSTA RICA WOULD FISH AGAINST SUCH ALLOCATIONS AT THE START OF THE ANNUAL OPEN SEASON. IF THE ALLOCATIONS ARE CAUGHT BEFORE THE END OF THE OPEN SEASON, THEN SUCH VESSELS MAY CONTINUE TO FISH FREELY FOR YELLOWFIN TUNA UNTIL THE CLOSURE RULES APPLY. IF THE ALLOCATIONS ARE NOT CAUGHT BEFORE THE SEASON IS CLOSED, THEN SUCH VESSELS MAY CONTINUE TO FISH FREELY DURING THE CLOSED SEASON UNTIL REACHING THE GUARANTEED ALLOCATIONS.

B. LAST TRIP. THE UNITED STATES PROPOSES THAT IT UNDERTAKE IN 1980, 1981, AND 1982 TO SEEK ADOPTION IN THE IATTC OF A RESOLUTION RELATING TO THE LAST TRIP. UNDER THE LAST TRIP, ANY FLAG VESSEL OF AN IATTC MEMBER COUNTRY WOULD (1) BE PERMITTED TO FISH FOR YELLOWFIN TUNA WITHIN THE CYRA WITHOUT RESTRICTION ON THE AMOUNT OF CATCH UNTIL IT RETURNS TO PORT FOR THE FIRST TIME AFTER CLOSURE OF THE OPEN SEASON, IF IT IS OUT AT SEA AT THE TIME OF CLOSURE OR (2) BE PERMITTED TO FISH FOR YELLOWFIN TUNA WITHIN THE CYRA WITHOUT RESTRICTION ON THE AMOUNT OF CATCH ON ANY TRIP COMMENCED WITHIN 20 DAYS AFTER THE CLOSURE IF IT IS IN PORT AT THE TIME OF CLOSURE. IN ADDITION, THE UNITED STATES PROPOSES THAT THE GOVERNMENTS OF THE UNITED STATES, MEXICO AND COSTA RICA SHALL CONSULT IF DURING THESE THREE YEARS IT APPEARS THAT ADDITIONAL RESTRICTIONS ON THE LAST TRIP MAY BE NECESSARY TO ENSURE THAT THE ANNUAL IATTC YELLOWFIN QUOTA IS NOT EXCEEDED.

C. LICENSING FEES. THE UNITED STATES CAN AGREE TO THE ANNUAL PAYMENT OF A FEE OF \$100 PER NET REGISTERED TON FOR

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THE REQUIRED CERTIFICATE OF ACCESS. IN ADDITION, THE UNITED STATES PROPOSES THAT VESSELS OF 100 NET REGISTERED TONS OR LESS MAY OBTAIN CERTIFICATES ON A SEMI-ANNUAL RATHER THAN ANNUAL BASIS AND THAT THE FEE FOR SUCH LICENSES BE \$60 PER NET REGISTERED TON. THE UNITED STATES CAN AGREE TO LIMIT TO 200 THE NUMBER OF U.S. VESSELS WHICH SHALL BE

AUTHORIZED TO OBTAIN THE SEMI-ANNUAL LICENSES.

D. DISTRIBUTION OF FEES. THE UNITED STATES PROPOSES THAT MONIES COLLECTED FROM PAYMENT OF CERTIFICATES OF ACCESS FEES BE DISTRIBUTED AT THE END OF EACH OF THE 3 YEARS OF AGREEMENT AMONG THOSE COUNTRIES WHICH ARE PARTY TO THE AGREEMENT ON JUNE 30 OF EACH OF THE 3 YEARS. THE ANNUAL DISTRIBUTION OF THE FUNDS WILL BE MADE TO THE RECIPIENT COUNTRIES IN PROPORTION TO THE AMOUNT OF TUNA COVERED BY THE AGREEMENT TAKEN WITHIN 200 MILES OF THEIR COASTS.

E. U.S. CLOSED SEASON ALLOCATION. THE U.S. PROPOSES THAT IT UNDERTAKE IN 1980, 1981, AND 1982 TO SEEK ADOPTION OF A RESOLUTION RELATING TO A CLOSED SEASON ALLOCATION FOR DISADVANTAGED U. S. VESSELS. THE AMOUNT OF THIS ALLOCATION WOULD BE 6,000 TONS, AND THE ELIGIBLE U. S. VESSELS MUST BE LESS THAN 400 SHORT TONS CARRYING CAPACITY OR HAVE ENTERED THE YELLOWFIN FISHERY PRIOR TO JANUARY 1, 1960. NO MORE THAN 80 VESSELS SHALL FISH UNDER THIS ALLOCATION. IN ADDITION, THE NAMES AND REGISTRATIONS OF THESE VESSELS SHALL BE PROVIDED TO THE GOVERNMENTS OF MEXICO AND COSTA RICA AT THE BEGINNING OF THE FIRST YEAR OF THE AGREEMENT, AND NO ADDITIONAL VESSELS SHALL BE PLACED ON THIS LIST DURING THE PERIOD 1980 TO 1982. HOWEVER, IF A VESSEL ON THE LIST CHANGES OWNERSHIP, IT SHALL NOT BE ELIMINATED FROM THE LIST. IF ANY OF THE LISTED VESSELS FAILS TO PARTICIPATE

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IN THE FISHERY DURING A CONSECUTIVE PERIOD OF 12 MONTHS,
IT SHALL BE ELIMINATED FROM THE LIST.

5. THE INITIAL REACTION OF THE MEXICAN AND COSTA RICAN
DELEGATIONS TO THE U. S. PROPOSAL WAS NOT FAVORABLE.
THEY INDICATED, HOWEVER, THAT THESE WERE NOT OFFICIAL
REACTIONS AND THAT CAREFUL STUDY WOULD BE GIVEN TO THE
MATTER BEFORE THE FINAL DECISIONS OF THEIR GOVERNMENTS
WERE MADE.

ON DECEMBER 13 AMBASSADOR NEGROPONTE, ACCOMPANIED BY MR.
GERALD HOWARD, MR. MORRIS BUSBY AND REGIONAL FISHERIES
ATTACHE FINAN MET AT UNDERSECRETARY LIC. ALFONSO DE
ROSENZWEIG-DIAZ' REQUEST WITH HIM WERE COSTA RICAN
ECONOMICS MINISTER FERNANDO ALTMANN, AMBASSADOR ANDRES
ROZENTAL, LIC. ALONSO LOPEZ CRUZ AND LIC. VICTOR M. SOLANO.

ROSENZWEIG SAID HE HAD CALLED THE MEETING TO TRY TO FIGURE
OUT WHERE WE ARE AFTER 27 MONTHS NEGOTIATING ON A NEW
TREATY FOR A TUNA REGIME IN THE EASTERN PACIFIC. HE NOTED
THAT THIS WAS MADE NECESSARY BY WHAT HE CALLED THE NEW
REALITY OF 200 MILE EXCLUSIVE ECONOMIC ZONES. HE ACKNOW-
LEDGED THAT GREAT AND UNSTINTING EFFORTS HAD BEEN MADE BY
BOTH SIDES IN TRYING TO REACH AGREEMENT(AT NO TIME DID HE
BELITTLE OR DENIGRATE THE EFFORTS OF EITHER SIDE). YET,
HE SAID, DESPITE OUR BEST EFFORTS WE SEEM TO BE GOING

BACKWARD. AS TO WHY THIS IS SO HE SAID WE SEEM TO HAVE LOST OUR SENSE OF DIRECTION. HE NOTED THAT ORIGINALLY HE HAD THOUGHT THAT THE IDEA OF A PROVISIONAL AGREEMENT FOR THREE YEARS WAS A GOOD IDEA WHILE WE WORK TOWARD A DEFINITIVE AGREEMENT, BUT NOW HE WAS BEGINNING TO THINK IT MAY HAVE COMPLICATED THINGS AND CONFUSED SOME ISSUES.
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ROSENZWEIG ADDED THAT WE WANT TO SEE IF WE CAN FIND SOME OUT FROM THE PRESENT IMPASSE. AMBASSADOR NEGROPONTE SAID WE PROBABLY COULD ONLY DEAL NOW WITH THE SITUATION IN WHICH WE FIND OURSELVES, RECALLING THAT WE ARE RESPONDING TO THE PROPOSAL THAT SECRETARY CASTANEDA MADE TO SECRETARY VANCE. HE NOTED THAT WE WOULD BE PREPARED TO LISTEN TO ANY IDEAS FOR A NEW DIRECTION THE MEXICAN SIDE MAY HAVE, BUT FELT THAT WHAT WE NEED NOW IS TO ASSESS THE PROSPECTS FOR AN AGREEMENT FOR THREE YEARS IN 1979.

ROSENZWEIG AGREED, TURNING THE FLOOR OVER TO MINISTER ALTMANN. ALTMANN SAID THAT HIS DELEGATION CANNOT SEE THE POSSIBILITY OF AGREEMENT ON THE BASIS OF WHAT THE UNITED STATES HAS PROPOSED. HE SAID HE THOUGHT A STILL GREATER EFFORT WAS NEEDED TO REACH AGREEMENT, BUT THAT AT PRESENT HIS PRESIDENT ALSO DOES NOT SEE AN AGREEMENT IN THE US' LAST PROPOSAL. HOWEVER, HE IS ALWAYS WILLING TO INVEST MORE TIME IN DISCUSSIONS, SEES OUR LAST PROPOSAL AS A BIT OF AN ADVANCE, AND WILL GIVE IT FURTHER ANALYSIS BEFORE CONSULTING WITH HIS PRESIDENT THIS COMING MONDAY.

ROSENZWEIG REPEATED A FAVORITE EXPRESSION OF PRESIDENT LOPEZ PORTILLO THAT ONCE THE TERMS OF A PROBLEM ARE IDENTIFIED WE ARE HALF WAY TO SOLVING IT. THEN HE SAID MEXICO CONTINUES TO WANT A DEFINITIVE ACCORD, NOTING THAT THERE MAY BE SOME CONFUSION BETWEEN THE SIDES ON WHAT WE ARE WORKING FOR IN A PROVISIONAL AGREEMENT. HE SAID THE US NATURALLY WANTS A THREE YEAR AGREEMENT WHICH IS AS CLOSE AS POSSIBLE TO THE STATUS QUO. COSTA RICA AND MEXICO WANT A SUBSTANTIAL ADVANCE TOWARD THE DEFINITIVE AGREEMENT; THEY FEEL THAT A PROVISIONAL AGREEMENT SHOULD NOT ONLY BUY US TIME, BUT LEAD TO A TRANSITIONAL SITUATION, NOT THE

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STATUS QUO, TO FACILITATE THE DEFINITIVE AGREEMENT.

HE SAID THAT THE QUESTION OF GUARANTEED QUOTAS IS VERY
IMPORTANT. FOR A DEFINITIVE AGREEMENT SUCH QUOTAS CAN BE
REVISED EVERY FIVE YEARS; FOR A PROVISIONAL AGREEMENT WE
ARE SAYING THEY WOULD BE REVISED IN THREE YEARS, BUT THE
US PROPOSAL SEEMS TO SAY THEY WOULD BE REVISED EVERY YEAR,
MUCH LIKE THE QUOTAS UNDER IATTC. ROSENZWEIG THEN SAID HE

DID NOT WANT TO GIVE THE MEXICAN REACTION AT THIS TIME, BUT WANTED TO STUDY IT WITH GREAT CALM. HE AGREED WITH MINISTER ALTMANN THAT THE LATEST PROPOSAL OF THE US IS NOT SATISFACTORY, BUT THE MEXICAN SIDE WILL STUDY IT CAREFULLY AND PASS THE MATTER TO THE HIGHEST LEVEL OF THE GOVERNMENT FOR DECISION. HE SAID HE WILL LET THE DEPARTMENT OF STATE THROUGH THE EMBASSY KNOW BY NEXT WEEK THE MEXICAN REPLY. HE ALSO AGREED THAT THE TERM "AGONIZING RE-APPRAISAL" CORRECTLY DESCRIBED THE MEXICAN REVIEW.

AMBASSADOR NEGROPONTE RESPONDED THAT WE HAVE ANALYZED CAREFULLY ONE INTEREST OF MEXICO AND PERHAPS COSTA RICA AS WELL IN TRYING TO ENCOURAGE JOINT VENTURES BETWEEN MEXICAN AND US BUSINESSMEN. WE DO NOT YET KNOW JUST WHICH ELEMENTS WOULD BE MOST HELPFUL TO THIS INTEREST AND FEEL MEXICO DOES NOT YET HAVE AN APPRECIATION OF HOW HELPFUL A REGIONAL LICENSING ARRANGEMENT WOULD BE IN THIS REGARD. HE NOTED WE ARE NOT PROPOSING A YEARLY REVISION OF THE QUOTAS -- RATHER WE ARE TRYING TO RELATE COUNTRY QUOTAS AND THE GLOBAL QUOTA. ONE IDEA FOR LINKING THE MEXICAN AND COSTA RICAN QUOTAS TO THE IATTC QUOTA IS TO HAVE JAMES JOSEPH STUDY THE TWO COUNTRY QUOTAS AND IF HE DECIDES THE TWO COUNTRIES WILL NOT CATCH THAT MANY TUNA THEN THEY WOULD NOT BE REDUCED. ON THE LAST FREE TRIP ROSENZWEIG IS RIGHT -- WE SEE THINGS

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IN A DIFFERENT PERSPECTIVE FOR A THREE YEAR AGREEMENT THAN WE WOULD FOR A LONGER ONE. ON THE FEES BOTH SIDES HAVE ESSENTIALLY THE SAME VIEW. OUR IDEA FOR A SIX MONTHS GRACE PERIOD IS TO ATTRACT OTHER COUNTRIES INTO THE TREATY.

AMBASSADOR NEGROPONTE SAID HE GATHERED THAT WE CANNOT GET A DEFINITE REACTION AT THIS TIME, WHICH LEAVES LITTLE ELSE TO TALK ABOUT. HE ASKED IF THE OTHER SIDE WANTED THE US PROPOSAL IN WRITING, AND UPON THEIR ASSENTING, PROMISED TO SEND IT OVER.

ROSENZWEIG SAID THAT HE DID NOT FEEL IT USEFUL TO GO INTO DETAILS AT THIS MEETING. HE SAID NEGROPONTE IS CORRECT THAT MEXICO SUPPORTS JOINT VENTURES, BUT THAT IS ONLY ONE PART OF THE ISSUE. THE MEXICAN SIDE HAS VERY MUCH IN MIND QUESTIONS OF LAW AND PRINCIPLE, NOT SIMPLY PROMOTING BUSINESS AND THIS HAS BEEN TRUE FROM THE BEGINNING.

ESCORTING THE GROUP FROM THE BUILDING, AMBASSADOR ROZENTAL SAID THAT HE WOULD SEND THE MEXICAN AND COSTA RICAN REPLY TO WASHINGTON VIA MR. FINAN TUESDAY, WEDNESDAY OR THURSDAY OF NEXT WEEK. HE ALSO SAID THAT MEXICO WILL PUBLISH ITS LAWS AND REGULATIONS PERTAINING TO ITS EEZ, INCLUDING JURISDICTION OVER ALL SPECIES IN THE

ZONE, DURING CHRISTMAS WEEK, IN ORDER TO GIVE "AMPLE
ADVANCE WARNING" TO FISHERMEN BEFORE JANUARY 1, 1980. HE
PROMISED TO GET THIS TO US ALSO AS QUICKLY AS POSSIBLE.

6. COMMENT - THE U. S. DELEGATION DOES NOT BELIEVE ANY
FURTHER STEPS SHOULD BE TAKEN UNTIL WE RECEIVE THE OFFICIAL
GOM REPLY TO THE LATEST U.S. PROPOSAL. U.S. DEL BELIEVES
IT WOULD BE PREMATURE TO REACH ANY CONCLUSIONS AT THIS
TIME ON WHAT DECISION OF GOM LIKELY TO BE. ALSO RELEVANT

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INT-05 SP-02 /128 W
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TO THE QUESTION OF WHETHER OR NOT MEXICO AND THE U.S. WILL
HAVE CONFRONTATION OVER TUNA FISHING BEGINNING IN 1980 IS
THE CONTENT OF THE GOM REGULATIONS WHICH APPARENTLY WILL
BE PUBLISHED IN THE ABSENCE OF AN AGREEMENT.

7. POSTS MAY DRAW UPON ABOVE AS APPROPRIATE IN DISCUSSING
STATUS OF TUNA NEGOTIATIONS WITH HOST GOVERNMENTS.

8. FOR MANAGUA, PANAMA, PARIS, TOKYO, OTTAWA: POSTS SHOULD
BRIEF ASAP APPROPRIATE HOST GOVERNMENT OFFICIALS ON RESULTS
OF MEXICO CITY MEETING. DRAFTED: BHALLMAN. FERCH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TUNA, NEGOTIATIONS, MEETING REPORTS, FISHING REGULATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 dec 1979
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1979MEXICO21202
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D790575-0848
Format: TEL
From: MEXICO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1979/newtext/t19791256/aaaabsve.tel
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Office: ACTION OES
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Page Count: 11
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Previous Classification: n/a
Previous Handling Restrictions: n/a
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Retention: 0
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Review Content Flags:
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Review Withdrawn Fields: n/a
SAS ID: 352433
Secure: OPEN
Status: NATIVE
Subject: TUNA CONSULTATIONS MEXICO CITY DECEMBER 12-13, 1979.
TAGS: EFIS, MX, CR, IATTC
To: STATE SAN JOSE
Type: TE
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Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014